# HCBS Program Provider Bulletin



Lunch and Learn Calls for consumers, advocates and other stakeholders are every other Wednesday at 12:00 p.m.

A new Conference Number and 2015 Schedule will be available soon.

Please check the
Bulletin for updated
information regarding
the DOL Final Rule

Lunch and Learn Calls for providers is cancelled from Monday, December 29, 2014.

A 2015 schedule will available soon

Email questions to:

providerforum@kdads.ks.gov

# Bulletin Update December 24, 2014

### HCBS RENEWALS:

- Stakeholder Public Meetings FAQs & Summary of Public Comments
- HCBS Programs Renewal Update

# **FEDERAL RULES**

- Commissioners Open Letter on HCBS Programs and DOL Final Rule
- CMS Final Rule: Guidance on Non-Residential Settings

#### NEW POLICIES & PROCESSES

- KS AuthentiCare® Change & FMS Agreements
- Updates for Lunch and Learn Calls
- IDD Information & Updates
  - Important: January 1, 2015 Extraordinary Funding Process

#### **HCBS RENEWALS**

# **♣** Stakeholder Public Meetings – FAQs & Summary of Public Comments

The Public Comment period for the HCBS Program renewals for IDD, PD, TBI, and FE ended on December 20, 2014. The State will be reviewing the comments submitted and will post a summary of the comments along with a series of Frequently Asked Questions online at <a href="https://www.kdads.ks.gov">www.kdads.ks.gov</a>.

KDADS intends to submit the wavier renewals before January 1, 2014.

#### **HCBS Programs Renewal Update:**

CMS has granted the State a temporary extension of the HCBS Programs with pending renewals (IDD, TBI, PD, and FE) until March 27, 2014. This will allow time for CMS to review the submitted renewals during their 90 day period. Proposed changes will be submitted to CMS by the end of December, and the State will continue to hold conversations with CMS and stakeholders during this period as we begin work on the Statewide Transition Plan and compliance with several federal rules.

Amendments for the SED, Autism and TA Programs will be submitted to CMS by March 17, 2015 and will include the Statewide Transition Plan. A 30 day public comment period will be held in late January and February and include any proposed changes to the programs. The Autism and SED Programs have waiver renewals due in 2015. Additional public information and public comment periods will be held throughout the year.

#### FEDERAL RULES

**↓** Commissioner's Open Letter on HCBS Programs and DOL Final Rule

On December 12, 2014, Commissioner Gina Meier-Hummel, Community Services and Programs Commission of KDADS, issued an Open Letter on the HCBS Programs and the DOL Final Rule. The new DOL Final Rule regarding minimum wage and overtime for home care workers (personal care attendants and supportive home care workers) becomes effective on January 1, 2015. Recognizing the burden the new rule has on Medicaid-funded home and community based services, DOL issued a time-limited non-enforcement policy for the first six months of 2015. During this time period, DOL will not enforce the new rule and allow states to continue assessing their systems to determine if a third-party employment relationship exists with consumers who direct their own care and hire their own workers with the help of supports and services from HCBS Programs.

♣ Recent <u>court decision</u> on the Third Party Employer status of the DOL Final Rule.

On Monday, D.C. District Court Judge Richard Leon issued an opinion and partial order in *Home Care Association of America v. Weil*, concerning the 2013 Department of Labor Final Rule as it relates to questions about the third-party employer changes. This decision did not include an answer to the questions about the changes in the definition of "companionship services" or the impact of the new rule, which established that the companionship services exemption is not applicable when the employee spends more than 20 percent of his or her workweek performing care services. This portion of the regulation is NOT impacted by this decision.

While this decision is important, this case has not been fully decided (there are other counts to be considered by the court) and there will likely be appeals filed. KDADS will continue conversations with our federal partners and work with community service providers, MCOs, and consumers. For more information about the DOL Final Rule and its impact potential impact on programs, please visit the US Department of Labor's website at <a href="https://www.dol.gov/whd/homecare/">www.dol.gov/whd/homecare/</a>. For more information about KDADS programs and to see the Commissioner's Open Letter, please visit the KDADS website at <a href="https://www.kdads.ks.gov">www.kdads.ks.gov</a>. Additional information about the DOL Final Rule will be posted on our website as it becomes available.

#### **4** CMS Final Rule

KDADS is currently reviewing public comments and proposals related to the HCBS Final Rule. CMS responded to continued requests for additional guidance related to non-residential settings. This guidance was issued last week and is available online at <a href="https://www.medicaid.gov">www.medicaid.gov</a> or click here for more information.

HCBS Toolkit – <u>Residential Settings</u> HCBS Toolkit – <u>Non-residential Settings</u>

KDADS will review this guidance and use it to finalize a review tool for HCBS Settings to complete initial assessment of settings in the first six months of 2015.

#### **NEW POLICIES & PROCESSES**

**KS** Authenticare Updates: KDADS has worked with First Data on developing enhancements to KS AuthentiCare® that will provide additional support for consumers as employers of their direct service workers. This is a two-phase project that will include the creation of a single worker ID number in KS Authenticare® and new functions in the KS Authenticare® system.

Effective January 5, 2014, FMS providers will need to input the workers full name, date of birth and social security number in KS AuthentiCare®. They will also need to include a closure reason when a worker is no longer employed by a consumer. This will improve tracking of duplications and inappropriate reimbursement from Medicaid. Additionally, FMS providers will be required to enter the date of birth and social security number for all current workers prior to April 1, 2015. On April 1, 2015, FMS providers will be required to enter full names, dates of birth, and social security numbers for workers. This will allow First Data to develop the new worker IDs. The plan is to have new worker ID numbers and enhancements to the system in place prior to July 1, 2015.

- New FMS Agreements: The new FMS Agreement has been sent to the current FMS providers to sign and return to the State within 10 business days. The agreement has been revised to reflect the proposed FMS support model effective 1/1/15 and to address recent feedbacks from the conference call with the Commissioner on 12/19/14. The agreement will be renewed beginning in October of each year and will be effective from January through December of each calendar year. If your organization wish to continue to provide FMS support services for participant-direction, please complete the attached agreement and submit a copy of the agreement via email to <a href="mailto:kimberly.clare@kdads.ks.gov">kimberly.clare@kdads.ks.gov</a> by COB 1/12/15. This agreement is subject to approval by KDADS Secretary with the following conditions:
  - ✓ Provider has an established contract with a managed care provider
  - ✓ Provider has a current CDDO affiliated agreement, if serving IDD consumers
  - ✓ Provider is in compliance with existing financial audit requirement
  - ✓ New providers are subject to compliance with the readiness review requirements

#### Lunch and Learn Calls:

**Providers:** Cancelled for Monday, December 29, 2014, from 11:00 a.m. to 12:00 p.m. This call will be rescheduled to a different day of the week in 2015. A new schedule of dates will be available and posted online at <a href="https://www.kdads.ks.gov">www.kdads.ks.gov</a> and sent on the ListServ by next week.

Consumers and Other Stakeholders: In 2015, these calls will continue every other Wednesday from 12:00 to 12:45 for consumers and family members. They will cover a number of topics related to aging and disabilities and include a variety of hosts and discussions. The next call will be Wednesday, January 14, 2015.

PLEASE NOTE: The conference CODE number has changed.

Call in Number: 1.866.620.7326Conference Code: 5272685242

The next Consumer Lunch and Learn call will be January 14, 2014 from 12:00 to 12:45 pm

There will be a time for Questions and Answers as well. If people want to send in questions ahead of time, they can email or call them to the Ombudsman's office at <a href="mailto:KanCare.Ombudsman@kdads.ks.gov">KanCare.Ombudsman@kdads.ks.gov</a> or 855.643.8180. Additional information about topics will be available online.

**Please join us in saying goodbye to Sandra Andrews**. She will be retiring from the State this week, and Wednesday, December 24, 2014 is her last day. Please continue to send notifications to the <u>HCBS-KS@kdads.ks.gov</u>. **Sandy Chatham will be assisting the HCBS Programs** during this time and questions can be submitted to her via email at <u>HCBS-KS@kdads.ks.gov</u>.

- All Emails that contact protected health information about a person should be sent securely or encrypted to avoid a HIPPA violations. These violations will be sent to our HIPPA compliance officer to address
- Please do not include a person's name in the Subject Line. Subject Lines are not encrypted. Only use initials in the subject line to avoid confusion
- Please include the Program Type (i.e. FE, TBI, PD, IDD, Autism, TA, SED) and the Purpose (i.e. 3160 Referral, Unable to Contact, 3161 Death/Closure)

#### **Information Regarding the Provider Issue Tracking Link:**

We encourage you to work through your issues directly with the provider representative of the respective MCO and utilize the grievance and appeal process. This will allow you to keep track of your issues in one place. Please add details about your issues, including who you spoke with at the MCO and what steps at resolution you have already tried. Additionally, this is a **Provider** Issue Tracking Log.

For Consumer issues, please direct consumers to contact the Kerrie Bacon, the KanCare Ombudsman, at

KanCare.Ombudsman@kdads.ks.gov
Toll Free: (855) 643-8180
Office: (785) 296-6270
TTY: 711
Fax: (785) 296-0256

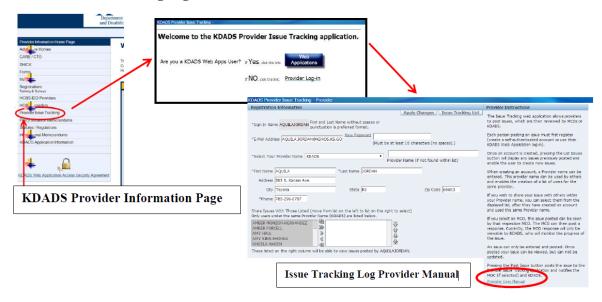
For Provider Resources and Information, please visit the MCO websites, below.

- **♣** Amerigroup- www.amerigroup.com/pages/ks.aspx
- **♣** Sunflower- www.sunflowerstatehealth.com/for-providers/provider-resources/
- **↓** UHC- www.uhccommunityplan.com/health-professionals/ks.html

If you are unable to resolve a conflict, please submit your issue to the KDADS Provider Issue Tracking application. The Issue Tracking Application is available to all KDADS providers, including those authenticated to use the KDADS Web Application. This tool is designed to replace the current notification process of issues by email and will allow KDADS to more efficiently track issues across multiple commissions to ensure timely responses to concerns.

For first time users, please register for the Issue Tracking Application following the steps below.

#### Access to the Issue Tracking Log



#### IDD Communication/Information: Please continue to use the following information.

## Extraordinary Funding

Effective January 1, 2015, Extraordinary Funding for IDD Day and Residential settings will be transitioned to the KanCare Managed Care Organizations (MCOs) for review and approval. During the next 6 months, Community Service Providers (CSPs) should submit all current EF renewals to the MCO according to the attached EF Transition Policy. This policy is being posted on the KDADS website for public comments.

**Effective Immediately:** all Extraordinary Funding requests pending review and approval by the State are extended until final approval from the MCO. All EF renewal submissions due during the Transition Period will be extended until a final decision is made by the MCO. This will allow time for the MCOs to complete a review and it will ensure the provider continues to receive EF funding until a decision is made.

**Transition Period:** The transition period will last until June 30, 2015. During the next six months, the MCOs will work with the State to develop a final standardized EF Policy, forms, and process. During the transition period, new requests for EF will only be processed for those who had waiting list requests pending as of December 19, 2014 and for individuals transitioning from institutional settings or in crisis or imminent risk of admission to an institution.

Please review the attached Transition Policy and provide comments on the policy to HCBS-KS@kdads.ks.gov, Subject Line: "EF Transition Policy Comments"

**EF Submissions:** CDDOs should upload the last two years of EF Requests to the last BASIS assessment for the individuals who are currently receiving EF. If a consumer has an irregular EF review period (eery 3 years, MFP, etc.), please upload the most recent EF request to KAMIS.

Providers on an irregular EF submission schedule, should submit an EF packet to the MCO in 2015 to continue receiving EF in 2016. The submission should be submitted to the MCO based on the month that an EF review would be due at a future date (i.e., an EF Review due April of 2016 should be submitted by April of 2015). Please contact the consumer's MCO for questions regarding submission expectations.

Providers should submit renewal documents and forms to the MCOs via secure or encrypted emails:

Amerigroup Sunflower United

Send documentation to Amerigroup at:

ksltssidd@amerigroup.com

Contact Jody Jeffers if you have questions about EF submissions

jody.jeffers@amerigroup.com www.amerigroup.com Send documentation to the Sunflower Regional Case Management email inboxes. The map is attached, with the addresses. It is also posted on the Sunflower website.

Western: Region1cm@sunflowerhealthplan.com
Salina: Region2cm@sunflowerhealthplan.com
Topeka: Region3cm@sunflowerhealthplan.com
Kansas City: Region4cm@sunflowerhealthplan.com
Wichita: Region5cm@sunflowerhealthplan.com
Southeast: Region6cm@sunflowerhealthplan.com

United is working on a single email address for EF submissions.

In the interim, please send documentation to:

Rebecca L Smith@uhc.com
CC: Lori Libel@uhc.com

#### Please continue to use the common Subject Lines to ensure the fastest processing of an EF Request

Email Subject Lines: IDD EF Request – INITALS of consumer only (NO NAMES in subject line)

Initial Request = "IDD EF Request – NEW – D/R – XX"
 Renewal Request = "IDD EF Request – Renewal – D/R – XX"

• Individualize Rate = "IDD EF Request – NEW/Renewal IR – D/R – XX"

For Additional Information please use a Suffix or Prefix

Add suffix

- Ex: Deceased = "IDD EF Notice Deceased"
- Ex: Close = "IDD EF Notice Termination"

Add prefix

**↓** Crisis = "Crisis – IDD EF Request – XX"

♣ Admin Review= "Admin Rev – IDD EF Request – XX"

#### **HCBS NOTIFICATION FORM**

#### Please continue to use the following information.

For fastest processing, notifications and communication for all HCBS programs should be uploaded in KAMIS and notice sent to Greg Wintle/Ashley Kurtz (ICF-IID gatekeeping) and carbon copied to <a href="https://example.com/hcbs-ks@kdads.ks.gov">hcbs-ks@kdads.ks.gov</a> with the appropriate subject line:

Crisis Request: "IDD Crisis Access Request"Exception Request: "IDD Exception Request"

Notifications: "IDD Notification"

- ICF-IID Gatekeeping: "ICF Gatekeeping" send to <u>Ashley.kurtz@kdasd.ks.gov</u>
- For Additional Information please use a Suffix or Prefix
  - Add suffix

Ex: Deceased
 Ex: Termination
 = "IDD Notification – Deceased"
 = "IDD Notification – Termination"

- *Add prefix* 
  - Expedited = "Expedited IDD Crisis/Exception Request"
  - o Admin Review= "Admin Review IDD Crisis/Exception Request"
- At a minimum, the following documents should be included with all Crisis/Exception requests;
  - The I/DD Notification Form
  - The Person Centered Support Plan
  - The Behavior Management Plan (if applicable)
  - DCF Information (if indicated)
  - Any documentation submitted to the CDDO, which was used as a part of its decision to recommend approval to KDADS
  - A statement listing the community resources that have been exhausted prior to submission of the crisis to KDADS
  - MCO recommendation or communication regarding Medicaid-funded supports and services (if applicable)
- For the IDD program, a notice of action approving or denying the request will be sent to the consumer and guardian (if applicable) with a copy to the submitting organization and a copy to the consumer's managed care health plan when applicable. Access to services will not be approved retroactively, if the request is emergent, the submitting organization will need to request an expedited review via conferencing to Sandy Chatham. KDADS will send the 3160 to DCF to provide access to services.
- For any questions or issues related to Crisis and Exception requests, please contact Kimberly Pierson at Kimberly.Pierson@kdads.ks.gov.